

§ 1437.404

§ 1437.404 Information collection requirements under the Paperwork Reduction Act; OMB control number.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for the regulation in this part is 0560-0175.

PART 1439—EMERGENCY LIVESTOCK ASSISTANCE

Subpart A—General Provisions

- Sec.
- 1439.1 Applicability and general statement.
 - 1439.2 Administration.
 - 1439.3 Definitions.
 - 1439.4 Liens and claims of creditors.
 - 1439.5 Assignments of payments.
 - 1439.6 Appeals.
 - 1439.7 Misrepresentation, scheme or device.
 - 1439.8 Refunds to CCC; joint and several liability.
 - 1439.9 Cumulative liability.
 - 1439.10 Benefits limitation.
 - 1439.11 Gross revenue limitation.
 - 1439.12 Maintenance of books and records.

Subpart B—Livestock Assistance Program

- 1439.100 Administration.
- 1439.101 Applicability.
- 1439.102 Definitions.
- 1439.103 Application process.
- 1439.104 County committee determinations of general applicability.
- 1439.105 Loss criteria.
- 1439.106 Livestock producer eligibility.
- 1439.107 Calculation of assistance.
- 1439.108 Availability of funds.
- 1439.109 Financial considerations.
- 1439.110 Appeals.
- 1439.111 Refunds to CCC; joint and several liability.
- 1439.112 Miscellaneous.

Subpart C [Reserved]

Subpart D—Pasture Recovery Program

- 1439.301 Administration.
- 1439.302 Definitions.
- 1439.303 General description.
- 1439.304 Eligible persons.
- 1439.305 Eligible land.
- 1439.306 Duration of contracts.
- 1439.307 Gross revenue limitation.
- 1439.308–1439.319 [Reserved]
- 1439.320 Obligations of participant.
- 1439.321 Obligations of the Commodity Credit Corporation.

7 CFR Ch. XIV (1–1–04 Edition)

- 1439.322 Eligible practices.
- 1439.323–1439.329 [Reserved]
- 1439.330 Enrollment.
- 1439.331 Termination of PRP contracts.
- 1439.332 Contract modifications.
- 1439.333–1439.339 [Reserved]
- 1439.340 Payments.
- 1439.341 Levels and rates for payments.
- 1439.342–1439.349 [Reserved]
- 1439.350 Payments to participants.
- 1439.351 Violations.
- 1439.352 Executed PRP contract not in conformity with regulations.
- 1439.353 Performance based upon advice or action of representative of the Secretary of Agriculture.
- 1439.354 Access to land under contract.
- 1439.355 Appeals.
- 1439.356 Refunds to CCC; joint and several liability.
- 1439.357 Miscellaneous.

Subpart E [Reserved]

Subpart F—2000 Flood Compensation Program

- 1439.501 Applicability.
- 1439.502 Administration.
- 1439.503 Definitions.
- 1439.504 Application process.
- 1439.505 County committee determinations of general applicability.
- 1439.506 Eligible land and loss criteria.
- 1439.507 Producer eligibility.
- 1439.508 Calculation of assistance.
- 1439.509 Availability of funds.

Subparts G–I [Reserved]

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SOURCE: 65 FR 36567, June 8, 2000, unless otherwise noted.

Subpart A—General Provisions

§ 1439.1 Applicability and general statement.

(a) The regulations in this part set forth the terms and conditions applicable to programs that may be made available to livestock producers under various statutory provisions. Unless otherwise specified, the regulations in this subpart shall apply to all programs operated under this part.

(b) The regulations in this part 1439 in effect prior to March 17, 1999, (See 7

Commodity Credit Corporation, USDA

§ 1439.3

CFR Parts 1200 to 1599, revised as of January 1, 1999) are applicable with respect to any emergency livestock assistance program that existed prior to March 17, 1999. The part 1439 regulations in effect on January 1, 2000 (See 7 CFR Parts 1200 to 1599, revised as of January 1, 2000) for the Flood Compensation Program shall continue to apply to all pending or new matters under that program.

(c) Nothing in this subpart shall be read as to require any expenditure of funds for a program in an overall amount greater than that determined to be appropriate by CCC.

§ 1439.2 Administration.

(a) This part shall be administered by CCC through, and as delegated to the Deputy Administrator for Farm Programs under the general direction and supervision of the Executive Vice President, CCC. The program shall be carried out in the field by State and county committees of the Farm Service Agency of the U.S. Department of Agriculture.

(b) State and county committees, and representatives and employees thereof, do not have the authority to modify or waive any of the provisions of the regulations in this part, as amended or supplemented.

(c) The State committee shall take any action required by this part that has not been taken by the county committee. The State committee shall also:

(1) Correct, or require a county committee to correct, any action taken by such county committee that is not in accordance with this part; or

(2) Require a county committee to withhold taking any action that is not in accordance with this part.

(d) No delegation in this section to a State or county committee shall preclude the Executive Vice President, CCC, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee. The Deputy Administrator may waive or modify deadlines or other program requirements of this part to the extent that such a waiver or modification is otherwise permitted by law and is determined to be appro-

priate, serves the goals of the program, and does not adversely affect the operation of the program.

§ 1439.3 Definitions.

The definitions set forth in this section shall be applicable to all subparts contained in this part unless otherwise noted, or unless the definitions conflict with the definitions in subparts other than this subpart A, in which case they shall not apply.

Carrying capacity means the number of acres of pasture required to provide 15.7 pounds of feed grain equivalent per day for one animal unit during the period the pasture is normally grazed.

CCC means the Commodity Credit Corporation.

Deputy Administrator or DAFP means the Deputy Administrator for Farm Programs, Farm Service Agency (FSA), or a designee.

Equine animals used for food or in the production of food means horses, mules, and donkeys that are:

(1) Used commercially for human food;

(2) Maintained for commercial sale to processors of food for human consumption; or

(3) Used in the production of food and fiber on the owner's farm, such as draft horses, or cow ponies.

Executive Vice President means the Executive Vice President, CCC, or a designee of the Executive Vice President.

FSA means the Farm Service Agency.

Livestock producer means a person who is determined to receive 10 percent or more of the person's gross income, as determined by the Secretary, from the production of livestock and is:

(1) A citizen of, or legal resident alien in the United States; or

(2) A farm cooperative, private domestic corporation, partnership, or joint operation in which a majority interest is held by members, stockholders, or partners who are citizens of, or legal resident aliens in the United States; any Indian tribe under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 *et seq.*); any Indian organization or entity chartered under the Indian Reorganization Act (25 U.S.C. 461 *et seq.*) or entity chartered under the Indian Reorganization